

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

OMAR CUMBERLAND,

Plaintiffs,

-against-

CITY OF NEW YORK, ET AL.,

Defendants.

**CONFIDENTIALITY**  
**STIPULATION AND**  
**PROTECTIVE ORDER**  
**REGARDING PRODUCTION**  
**OF PHOTOGRAPHS**

15-CV-1920 (BMC)

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**WHEREAS**, plaintiff has sought photographs of certain members of the New York City Department of Correction; and

**WHEREAS**, defendants deem these photographs to be confidential, and/or subject to certain privileges, including, without limitation, the law enforcement privilege, or otherwise inappropriate for public disclosure, and will only produce these photographs if appropriate protection for their confidentiality is assured; and

**WHEREAS**, good cause therefore exists for the entry of a protective order pursuant to Rule 26(c) of the Federal Rules of Civil Procedure;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and among the attorneys for plaintiff and the attorneys for defendants, as follows:

1. As used herein, "Action" shall mean Omar Cumberland v The City of New York, et. al., 15-CV-1920 (BMC).

2. "Confidential Photographs" shall mean any and all photographs of any correction officer of the New York City Department of Correction ("DOC") produced by defendants in this Action.

3. Except as otherwise provided below in paragraph 5, Plaintiff's attorney (or any member of the staff of their law firm) shall not disclose or disseminate the Confidential Photographs to any person other than plaintiff Omar Cumberland and plaintiff or Plaintiff's attorney shall not disclose or disseminate the Confidential Photographs to any other persons.

4. Neither plaintiff nor plaintiff's attorney may use the Confidential Photographs for any purpose other than to assist with identification of officers present during the incident in this Action.

5. Neither plaintiff nor plaintiff's attorney (or any member of the staff of their law firm) shall make any copies, electronic or otherwise, of, or upload, digitalize, scan or computerize in any fashion, the Confidential Photographs.

6. The Confidential Photographs shall be returned to defendants' counsel in their original form within fourteen (14) days following the completion of discovery in this Action.

7. Neither plaintiff nor plaintiff's attorney (nor any member of the staff of their law firm) shall retain any copy, electronic or otherwise, of the Confidential Photographs.

8. Plaintiff's counsel (or any member of the staff of their law firm) shall not permit any person to whom plaintiff's counsel may have disclosed or disseminated a copy of the Confidential Photographs to retain any copies of such photographs.

9. Nothing in this Stipulation of Confidentiality and Protective Order shall be construed to limit the defendants' use of the Confidential Photographs in any manner.

Dated: New York, New York  
January 6, 2016

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By:   
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By:   
Ben Kuruvilla  
*Senior Counsel*

SO ORDERED: 1/6/15

/s/(BMC)

HONORABLE BRIAN M. COGAN